

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

VANCE LAMONT HALE,

Petitioner,

v.

**CIVIL ACTION NO.: 3:23-CV-26
(GROH)**

H. RAY,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 20. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Judge Trumble issued an R&R on August 29, 2023, recommending that (1) the Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 [ECF No. 1]¹ be dismissed with prejudice as moot and (2) the Respondent’s Motion to Dismiss as Moot [ECF No. 12] be granted.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must make a de novo review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and of

¹ The Court notes that, although the R&R cites to the Petition in its Recommendation section as ECF No. 11, the Petition is docketed—and cited to in this Order—as ECF No. 1.

the Plaintiff's right to appeal this Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989).

Objections to the R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service of the R&R here was returned and marked as "Return to Sender – Refused – Unable to Forward" and "No Longer at this Address." ECF No. 22. The Petitioner has a continuing obligation to keep the Court informed of his mailing address. Despite this obligation, the mail was undeliverable, and so, no objections have been filed. Accordingly, the Court will review the R&R for clear error.

Upon careful review, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 20] should be, and is hereby, **ORDERED ADOPTED**. For the reasons more fully stated in the R&R, the Court **ORDERS** that the Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 [ECF No. 1] be **DISMISSED WITH PREJUDICE AS MOOT** and that Respondent's Motion to Dismiss as Moot [ECF No. 12] be **GRANTED**.

The Clerk of Court is **DIRECTED** to **STRIKE** this case from the Court's active docket. The Clerk is **FURTHER DIRECTED** to retain a copy of this Order should the Petitioner update his address.

DATED: October 25, 2023


GINA M. GROH
UNITED STATES DISTRICT JUDGE